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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,143	12/23/2003	Thomas M. Schaub	11884 / 406701	7478
23838 7590 03/16/2010 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005				
EXAMINER				
SEE, CAROL A				
ART UNIT		PAPER NUMBER		
3693				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/743,143

Applicant(s)

SCHAUB ET AL.

Examiner

Carol See

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6, 7, 10-13, 15-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 10-13, 15-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. In response to Applicant's Arguments/Remarks filed on 10/30/2009, Examiner acknowledges amendment of claims 6, 7, 10 and 22 and cancellation of claims 1-5.
2. Applicant's amendments of claims 6 and 7 overcome the previous rejections under 35 U.S.C. 112; accordingly, the rejections are withdrawn.
3. Applicant's amendment of claim 22 overcomes the previous rejection under 35 U.S.C. 112, 1<sup>st</sup> paragraph; accordingly, the rejection is withdrawn.
4. Claims 6, 7, 10-13, 15-19 and 21-22 are currently pending in this action.

***Response to Arguments***

5. Applicant's arguments, see pgs. 6-9 of Applicant's Arguments/Remarks, filed 10/30/2009, with respect to the rejection(s) of claim(s) under 35 USC 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

6. In Applicants Arguments/Remarks, applicant argues (pg. 5):

Claims 6, 10, 11, 12 and 16-18 are objected to because claim steps are not separated by a semicolon. Applicants respectfully submit that 37 C.F.R. 1.75 does not require semicolons. At best, Rule 1.75(i) recommends separating separate claim steps by line indentions. Accordingly, the objection to the claims should be withdrawn.

Response: Applicant's arguments have been fully considered and are persuasive. The objections of claims 6, 10, 11, 12 and 16-18 are hereby withdrawn.

7. Applicant argues (pg. 5) re claim 6:

In making the rejection of claim 6, the Office states the analysis for determining whether a method claim is statutory. However, claim 6 is directed to a system. Applicants respectfully submit that claim 6 recites statutory subject matter.

Response: Applicant's arguments have been fully considered and are persuasive. The rejection of claim 6 under 35 USC 101 is hereby withdrawn.

8. Applicant argues (pg. 5) re claim 10:

As for claim 10, it is rejected as indefinite because the first word in a method claim "must indicate some action is occurring." Applicants respectfully disagree, and request the Examiner to provide support for this requirement by citing to either the Statutes, Rules or the MPEP. Applicants respectfully submit that claim 10 and dependent claims 11-13 and 15 are definite, and particularly point out and distinctly claim the subject matter of the invention. The rejection of claims 10-13 and 15 should be withdrawn.

Response: Applicant's arguments have been fully considered and are persuasive. The rejection of claim 10 under 35 USC 112 is hereby withdrawn.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6, 7, 10-13, 15-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zawadzki et al. (U.S. 7,107,268) in view of Tanaka (U.S. 2004/0054562).

As to claim 6, Zawadzki discloses a computer-implemented enterprise management system, comprising:

a transaction manager, executing on a processor, configured to receive new transactions in which the new transactions are posted by an organization (figs. 1-2A, col. 40, lines 21-26, col. 41, lines 52-58);

an computer component, responsive to a new transaction to execute a rule represented by a control object, the rule causing a comparison of a previously-posted transaction of the organization and a new transaction with a limit to how much may be posted for the control object and, if the comparison fails a relationship defined by the rule, causing the transaction manager to reject the new transaction (col. 40, lines 21-26, col. 41, lines 52-58, showing trying to enter a new amount to a previously posted amount, comparing the new sum to the budget amount and not allowing the amount to be entered based on that comparison).

Zawadzki does not expressly show the above-listed system components configured to perform the functionality presented above on revenue postings. Tanaka shows a system configured to monitor expenses and revenue (abstract, para. 0034, fig. 7). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Zawadzki, in which cash outflows, incorporating some limit, are processed, to incorporate cash inflows, as shown in the enterprise management tool of Tanaka, since it is well known that the business transactions of many entities incorporate both cash inflows and outflows that must be effectively managed to the benefit of said entity.

Further Examiner notes, that as the functionality of claim 6 is addressed by the cited references, the recitation "Availability Control Manager," fails to impart a

patentable distinction to the claimed functionality over prior art, and as such is not afforded patentable weight.

Re the conditional language: The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. See MPEP 2106. Here, although Zawadzki in view of Tanaka addresses the conditional language "if the comparison fails a relationship defined by the AVC rule," as discussed above, the recitation "causing the transaction manager to reject the new revenue transaction" may never occur if the condition is not met. As such, this recitation does not serve to limit the claim. Such conditional language is normally not afforded patentable weight; however, for examining purposes the condition is considered to occur.

As to claim 7, Zawadzki in view of Tanaka shows the computer-implemented enterprise management system of claim 6. Zawadzki further shows an AVC ledger, executing on a processor, comprising a database storing control objects and aggregations of revenue postings that are operands to the control objects, the aggregations generated for executing the AVC rule (col. 62, line 64 to col. 63, line 55, showing a computer system and storage for implementing the evaluation of amounts to be posted against a budget having a limit). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Zawadzki, in

which cash outflows, incorporating some limit, are processed, to incorporate cash inflows, shown in the enterprise management tool of Tanaka, since it is well known that the business transactions of many entities incorporate both cash inflows and outflows that must be effectively managed to the benefit of said entity.

As to claim 10, Zawadzki shows a method, comprising:

determining, in response to a proposed posting, whether a calculation of any control objects would use the proposed posting in a calculation (col. 40, lines 21-26, col. 41, lines 52-58, showing trying to enter a new amount to a previously posted amount, the determination coming from where the amount is entered, i.e., under which budget);

executing rules for each identified control object, the rules testing whether the proposed posting would exceed limits for the control object (col. 40, lines 21-26, col. 41, lines 52-58, showing trying to enter a new amount to a previously posted amount, comparing the new sum to the budget amount and not allowing the amount to be entered based on that comparison), and

blocking, if any rule is violated by the posting and if the rule identifies an error as a response thereto, the posting from being admitted (col. 40, lines 21-26, col. 41, lines 52-58, showing trying to enter a new amount to a previously posted amount, comparing the new sum to the budget amount and not allowing the amount to be entered based on that comparison).

Zawadzki does not expressly show the above-listed method steps performed on revenue postings. Tanaka shows a method to monitor and process revenue (abstract, para. 0034, fig. 7). It would have been obvious to one of ordinary skill in the art at the

time of Applicant's invention to have modified Zawadzki, in which cash outflows, incorporating some limit, are processed, to incorporate cash inflows, shown in the enterprise management tool of Tanaka, since it is well known that the business transactions of many entities incorporate both cash inflows and outflows that must be effectively managed to the benefit of said entity.

Further Examiner notes, that as the functionality of claim 10 is addressed by the cited references, the recitation "Availability Control," fails to impart a patentable distinction to the claimed method over prior art, and as such is not afforded patentable weight.

As to claim 11, Zawadzki in view of Tanaka shows the method of claim 10. Zawadzki further shows executing comprising:

generating a postings operand from an aggregation of previously-admitted postings values addressed by the control object (col. 41, lines 51-57, showing summing previously admitted values); and

determining whether the postings operand satisfies a test relationship specified for the control object (col. 41, lines 51-57, showing summing previously admitted values, and not allowing a new value if that sum exceeds set value).

As to claim 12, Zawadzki in view of Tanaka shows the method of claim 10. Tanaka shows a method to monitor and process revenue (abstract, para. 0034, fig. 7). Zawadzki further shows wherein the executing comprises:

generating a postings operand from an aggregation of previously-admitted



postings values addressed by the control object and from a new posting value (col. 41, lines 51-57, showing summing previously admitted values and a new value), and

determining whether the postings operand satisfies a test relationship specified for the control object (col. 41, lines 51-57, showing summing previously admitted values, and not allowing a new value if that sum exceeds set value).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Zawadzki, in which cash outflows, incorporating some limit, are processed, to incorporate cash inflows, shown in the enterprise management tool of Tanaka, since it is well known that the business transactions of many entities incorporate both cash inflows and outflows that must be effectively managed to the benefit of said entity.

As to claim 13, Zawadzki in view of Tanaka shows the method of claim 12. Zawadzki further discloses storing the postings operand in a ledger storage device associated with the control object (col. 62, line 64 to col. 63, line 55, showing a computer system and storage for implementing the invention).

As to claim 15, Zawadzki in view of Tanaka shows the method of claim 10. Zawadzki further discloses performing the determining, the executing and, if necessary the blocking for each of a plurality of AVC rule sets in an enterprise management system (col. 40, lines 21-26, col. 41, lines 52-58, showing trying to enter a new amount to a previously posted amount, comparing the new sum to the budget amount and not allowing the amount to be entered based on that comparison, which is inclusive of performing theses actions for a plurality of budgets).

The limitations of claims 15-19 and 21 closely parallel the limitations of claims 10-13 and 15 and, therefore, are rejected under the same rationale. The computer readable medium is addressed in Zawadzki (col. 62, lines 10-55).

As to claim 22, Zawadzki shows a computer system, comprising: a computer component, responsive to posting of new transaction to execute rules, the rules causing a comparison of previously posted transaction added to the new transaction with a limit to how much may be posted and, if the comparison exceeds a predetermined limit, rejecting the new transaction (col. 40, lines 21-26, col. 41, lines 52-58, showing trying to enter a new amount to a previously posted amount, comparing the new sum to the budget amount and not allowing the amount to be entered based on that comparison). Zawadzki does not expressly show the above-listed system components configured to perform the functionality presented above on revenue postings. Tanaka shows a system configured to monitor expenses and revenue (abstract, para. 0034, fig. 7). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Zawadzki, in which cash outflows, incorporating some limit, are processed, to incorporate cash inflows, shown in the enterprise management tool of Tanaka, since it is well known that the business transactions of many entities incorporate both cash inflows and outflows that must be effectively managed to the benefit of said entity.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol See whose telephone number is (571)272-9742. The examiner can normally be reached on Monday - Thursday 6:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer, can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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